



Employment Implications of NSPS

Jim Wachter
Chief, Field Advisory Services



National Security Personnel System (NSPS)

- **General Inclusion**
- **Governance**
- **Phase-In**
- **Hiring**
- **Selection and Placement**
- **Retention**



General Inclusion

NSPS	HR 1588	S. 1166
Secretary is permitted to waive any provision of title 5.	Secretary is permitted to waive part III of title 5.	Secretary is permitted to waive part III of title 5; however, DoD may not include 10 defense labs in NSPS.



Governance

NSPS	HR 1588	S. 1166
<p>DoD and OPM build new HR system together.</p> <p>Secretary may exclude items essential to national security, subject to “direction” of the President.</p>	<p>DoD and OPM build new HR system together.</p> <p>Secretary may exclude items if essential to national security, subject to “decision” of the President.</p>	<p>DoD and OPM build new HR system together.</p> <p>Secretary does not have a national security waiver.</p>



Phase-In

NSPS	HR 1588	S. 1166
Not addressed.	Not addressed.	Implementation is phased-in: <ul style="list-style-type: none">•FY 04 – up to 120,000•FY 05 – up to 240,000•After FY 05 – more than 240,000 if the Secretary certifies that performance management and pay formula meet specified criteria.



Hiring

Administration	HR 1588	S. 1166
5 USC Chapters 31 and 33, as they pertain to authority for employment and examination, selection and placement, are waivable.	5 USC 4703(a)(1) provides for waiver of 5 USC 31 and 33 with respect to establishing qualification requirements for, recruitment for, and appointment to positions.	Like HR 1588, except that it adds language “Veterans shall be offered preference in hiring.”



Hiring Administration Proposal

- **Provides ability to waive the portions of 5 USC Chapter 31 and 33 we wish to change.**
- **Maintains merit system principles and protects against prohibited personnel practices.**



Hiring House Proposal

- **Appears to prohibit waiver of any portion of 5 USC Chapter 31 and 33.**
- **Allows waivers of 5 USC Chapters 31 and 33 as provided under 4703 a(1) and (3) (Demonstration Project Authority) for entire department. Provisions allow waivers pertaining to establishing qualification requirements, recruiting, appointing, assigning, reassigning and promoting.**



Hiring Senate Proposal

- **Adds language “Veterans shall be offered preference in hiring.”**
- **Appears to be in line with maintaining merit principles and prohibited personnel practices.**
- **Expands veterans’ preference to all hiring to include SES, ST, SL and attorneys where veterans’ preference is not afforded.**
- **Confuses existing veterans’ preference rules established in title 5.**



Selection and Placement

Administration	HR 1588	S. 1166
5 USC Chapter 33 waivable.	5 USC 4703(a)(3) provides for waiver of 5 USC 33 with respect to assigning, reassigning, or promoting employees.	5 USC Chapter 33 not waivable.



Selection and Placement Administration Proposal

- **Provides ability to waive the portions of 5 USC Chapter 33 we wish to change.**
- **Covers methods of assigning, reassigning, or promoting employees.**



Selection and Placement House Proposal

- **Appears to prohibit waiver of any portion of 5 USC Chapter 33.**
- **Allows waiver of 5 USC 33 as provided under 4703(a)(3) for entire department, which allows for waivers pertaining to methods of assigning, reassigning, or promoting employees.**



Selection and Placement Senate Proposal

- **Prohibits waiver of any portion of 5 USC Chapter 33.**
- **Prevents Secretary from exercising flexibilities involving assignment, reassignment, or promotion of employees which are currently being used in the Department's demonstration projects.**



Retention

Administration	HR 1588	S. 1166
5 USC Chapter 35 (Retention Preference, Restoration, and Reemployment) waivable.	5 USC 4703(a)(8) provides for waiver of 5 USC 3502 with respect to methods of reducing overall agency staff and grade levels.	5 USC Chapter 35 is not waivable.
Sections 3501 and 3502(b) are not waivable.	Sections 3501, 3502(b), and 3504 are not waivable.	



Retention Administration Proposal

- **Provides ability to waive the portions of 5 USC Chapter 35 we wish to change.**
- **Maintains merit system principles and protects against prohibited personnel practices.**



Retention House Proposal

- **Appears to prohibit waiver of any portion of 5 USC Chapter 35.**
- **Allows waiver of 5 USC Chapter 35 as provided under 5 USC 4703 a(8) for entire Department, which allows for waivers pertaining to methods of reducing overall agency staff and grade levels.**



Retention Senate Proposal

- **Excludes 5 USC Chapter 35 from being waivable.**
- **Prevents the Secretary from exercising retention preference, restoration, and reemployment flexibilities, which are currently being used in the Department's demonstration projects and are proposed for use under Best Practices.**
- **Prevents using performance over longevity in RIF procedures.**



Questions?